

REMARKS/ARGUMENTS

The application now contains claims 11-30. Claims 1-10 were previously withdrawn from consideration and have been canceled. Claims 21-30 are new claims. Claims 11-14, stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 4,796,932 to Tame (hereinafter "Tame"). Claims 18-20 are allowed (but objected to for informalities), claim 15 is objected to as being dependent on a rejected base claim, but is indicated as being allowable if rewritten. Claims 16 and 17 are indicated as being allowable if claim 15 is rewritten. Applicants acknowledge with appreciation the Examiner's indication of allowable subject matter in claims 15-20.

Applicant affirms the provisional election of claims 11-20 made by David Lockman on December 3, 2004. Claims 1-10 were withdrawn from consideration by the Examiner and have been cancelled.

The specification has been amended to provide the application serial number of the cross-referenced application.

Claims 18-20 were objected to by the Examiner and claim 18 has been amended in a non-narrowing fashion as suggested by the Examiner.

I. Claim 11 is not rendered obvious by Tame

The Examiner rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Tame. Tame does not teach, suggest or disclose all of the elements and limitations of claim 11.

The Present Invention

The present invention comprises an oven lock mechanism for use with an oven having a door and a frame surrounding a cooking chamber having an opening selectively closed by engagement of the door with the frame. The lock mechanism includes a mounting plate, a latch, an actuator pin, a blocker and an electromechanical actuator. The mounting plate is mounted to the frame. The latch is mounted to the mounting plate for movement about a pivot axis and rotatable about the pivot axis between an unlatched and latched position. The latch includes a follower surface offset from the pivot axis. The actuator pin is movably supported by the mounting plate. The actuator pin includes an outer end extending beyond the mounting plate for engaging the oven door upon closure and a cam end engaging the follower surface for rotating the latch into the latched position wherein the door is adapted to be captured by the latch. The blocker is selectably movable into a blocking position when the latch is in a latched position for interfering with the rotation of the latch such that the latch is locked into the latched position for locking the oven door in a closed position. The electromechanical actuator is mounted to the base plate. The actuator moves the blocker and so that movement of the blocker into the blocking position induces additional movement of the latch to pull the oven door closer to the frame.

Tame

Tame relates to a remote compartment lock for an automobile storage compartment. The lock mechanism in Tame includes a latch biased in the latched position by torsion spring 92. The latch is urged to an unlatched position by engagement

with a striker bar 16 mounted to the door of the storage compartment. The latch is returned to the latched position because of the bias of torsion spring 92. The Examiner recognized that Tame does not disclose an actuator pin mounted to the frame, but relies upon the striker bar (16) mounted to the door as satisfying the claim limitations the recited actuator pin.

Discussion Re: Patentability of Claim 11

1. Claim 11

Claim 11 was rejected under 35 U.S.C. § 103(a) as being rendered obvious by Tame. Claim 11 recites:

An oven lock mechanism for use with an oven having a door and a frame surrounding a cooking chamber having an opening selectively closed by engagement of the door with the frame, the lock mechanism comprising:

a mounting plate mounted to the frame;

a latch mounted to the mounting plate for movement about a pivot axis and rotatable about the pivot axis between an unlatched and latched position, the **latch including a follower surface** offset from the pivot axis;

an actuator pin movably supported by the mounting plate, the actuator pin having an outer end extending beyond the mounting plate for engaging the oven door upon closure and a **cam end engaging the follower surface for rotating the latch into the latched position** wherein the door is adapted to be captured by the latch;

a blocker selectably movable into a blocking position when the latch is in a latched position for interfering with the rotation of the latch

such that the latch is locked into the latched position for locking the oven door in a closed position and

an electromechanical actuator mounted to the base plate, the actuator moving the blocker and wherein movement of the blocker into the blocking position induces additional movement of the latch to pull the oven door closer to the frame.

Thus, claim 11 requires that the actuator pin engage the follower surface of the latch for moving the latch from the unlatched position to the latched position.

2. Tame does not disclose an actuator pin engaging a follower surface of the latch for moving the from the unlatched position to the latched position

The Examiner relies upon the latch striker bar 16 in Tame to satisfy the recitation of an actuator pin and the limitations of the recited actuator pin in claim 11. The latch striker bar 16 in Tame engages a slanted end of the latch and is moved longitudinally toward the pivot axis of the latch to induce the latch to rotate from a latched position, in which if the door were properly positioned, the latch would capture the door (compare the latch position in Fig. 4 and in solid lines in Fig. 5 for confirmation), to a position in which the latch would not capture the door (see the phantom line illustration of the latch in Fig. 5). The latch striker bar 16 engages the latch to rotate the latch from the latched position to an unlatched position. ("When the user desires to close compartment panel 14, it is shut against power unit 10, causing the latch striker bar 16 to contact the upper surface of latch hook 80, causing it to rotate out of alignment with latch lever 78 and engage the latch hook. Tame, col. 4, lines 12-116) The latch is returned from the unlatched position (phantom lines in Fig. 5) to the latched

position (solid lines in Fig. 5) by the bias spring ("Torsion spring 92 engages latch lever 78 and latch hook 80 at tab 86 to bias them toward the aligned condition shown in Fig. 4." Tame, col. 3, lines 32-34) not by the cam end of the actuator pin engaging a follower surface of the latch and rotating the latch into the latched position as required by claim 11. Thus, even if the striker bar is considered an actuator pin and were repositioned as suggested by the Examiner, the pin would not satisfy all of the elements and limitations of claim 11.

Additionally, the Examiner indicated that the follower surface of the latch was satisfied by the sensor lever 118 of limit switch 114. The sensor lever 118 is a separate component from the latch. Even if the striker bar 16 were considered an actuator pin and the sensor lever 118 were considered a follower surface of a latch, the striker bar 16 does not engage the sensor lever (follower surface) 118.

Tame, even when modified as suggested by the Examiner, does not render claim 11 obvious. Even when modified as suggested by the Examiner, Tame still fails to disclose all of the elements and limitations of claim 11. Additionally, it is questionable, whether the suggested modification to Tame would result in an operable lock mechanism.

For at least the foregoing reasons, it is respectfully submitted that the rejection of claim 11 as being rendered obvious by Tame has been successfully traversed, and the Applicants respectfully submit that the rejection of claim 11 under 35 U.S.C. § 103 should be withdrawn.

II. Claim 12-14 are not rendered obvious by Tame

Claims 12-14 were rejected under 35 U.S.C. § 103(a) as being rendered obvious by Tame. All of claims 12-14, include limitations discussed above with respect to claim 11. MPEP § 2143.03 states that if an independent claim is non-obvious, then any claim depending therefrom is non-obvious.

Claim 12 depends directly from claim 11 and includes all of the limitations of claim 11. Claims 13 and 14 depend indirectly from claim 11 and thus include all of the limitations of claim 11. Therefore, claims 12-14 are patentable over Tame which does not contain all of the elements and limitations of claim 11 as discussed above.

For at least the foregoing reasons, it is respectfully submitted that the rejection of claims 12-14 as being rendered obvious by Tame has been successfully traversed, and the Applicants respectfully submit that the rejection of claims 12-14 under 35 U.S.C. § 103 should be withdrawn.

III. The new claims are believed to be distinguishable over the prior art.

New claims 21-30 are believed to be distinguishable over the prior art at least for the reasons stated above with regard to claims 11-20.


IV. Conclusion

In view of the Examiner's earlier restriction requirement, applicant canceled claims 1-10 but retains the right to present claims 1-10 in a divisional application.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

This response is submitted within the three-month deadline for response to the office action dated December 9, 2004, to and including March 9, 2005. Only twenty claims (three of which are independent) are pending in the application. Therefore, it is believed that no fee is due with this response. However, the Commissioner is authorized to grant any additional extensions that may be required and to deduct any associated fees for such extension or for additional claim fees from Deposit Account 13-0014.

Respectfully Submitted,



David B. Quick
Attorney for Applicants
Attorney Registration No. 31,993

March 9, 2005

Maginot, Moore & Beck
Bank One Center Tower
111 Monument Circle, Suite 3000
Indianapolis, IN 46204-5115
Telephone: (317) 638-2922